

SANTA MONICA MOUNTAINS CONSERVANCY

RAMIREZ CANYON PARK
5750 RAMIREZ CANYON ROAD
MALIBU, CALIFORNIA 90265
PHONE (310) 589-3200
FAX (310) 589-3207



August 22, 2005

Ms. Heather Waldstein, Associate Planner
City of Santa Clarita
23920 Valencia Boulevard, Suite 300
Santa Clarita, California 91355

**Comments on Keystone Project DEIR, Master Case No. 03358, General Plan
Amendment 03-002, Zone Change 03-002, Vesting Tentative Tract
Map 60258, Santa Clara River Watershed
(SCH No. 2004081017)**

Dear Ms. Waldstein:

The Santa Monica Mountains Conservancy (Conservancy) has reviewed the Draft Environmental Impact Report (DEIR) for the Keystone Project. Despite the existing and anticipated development in the vicinity of the subject site, at each potential project approval, the City has the opportunity to contribute to maintaining a functional biological system in the Santa Clara River watershed rather than a patchwork of disjunct and poorly protected open space fragments. Specifically, the subject development as proposed is a poor model of integrating the Santa Clara River and its adjacent upland habitat, and it does not adequately protect the significant biological resources onsite.

Any increase in existing zoning and General Plan land use designation should be accompanied by public benefits that includes functional habitat. Furthermore, for a site to be upzoned, the development must maximize the avoidance of the biological constraints on the site. Upzoning should be considered only very carefully and it should be limited. The presence of sensitive biological resources on the site makes such avoidance even more critical. Now, during the California Environmental Quality Act (CEQA) process, is the time to carefully consider less damaging alternatives, and to require solid and specific mitigation measures, rather than defer them until a later time when additional permits are to be obtained. The Conservancy urges the City to maximize the protection of onsite biological resources, not pad areas. In light of the City's general reluctance to require open space dedications of over 50 percent of properties, the Conservancy recommends five changes to the project as described in this letter, as well as additional specificity regarding mitigation measures for impacts to plant communities and drainages.

Biological Value of the Site

The DEIR (p. II-43) incorrectly refers to the “the overall low value of the biological resources on the site,” with no supporting justification. The site incorporates part of the Santa Clara River Significant Ecological Area (SEA), a major wildlife movement corridor. Despite existing and planned developments, the site fully serves as an open space habitat refuge for wildlife moving between Santa Clara River and habitat areas to the north, and eventually into Angeles National Forest. In addition, the majority of the site is considered Critical Habitat by the federal government for the threatened songbird, the coastal California gnatcatcher. The site supports approximately 100 acres of coastal sage scrub, considered a very threatened plant community by California Department of Fish and Game. The DEIR states that the site supports several special status wildlife species (pp. II-34 to II-35). The site also supports oak trees and several acres of jurisdictional waters.

Summary of Project

The project consists of the subdivision of the 246-acre project site into 132 lots for a mix of residential, recreational, educational, YMCA facility and open space uses (pp. II-4 to II-5). This includes the construction of 979 dwelling units (consisting of 96 single-family lots, 215 multi-family apartment units and 667 townhouse units) and finished (graded) lots for a 1,200-1,600 student and 70 faculty/staff junior high school, and an approximate 30,476 square foot community/fitness YMCA center. The project includes a trail system, and the extension of Golden Valley Road westward to Newhall Ranch Road. This approximately 1,890 feet of Golden Valley Road is located outside of the project boundary. A City of Los Angeles Department of Water and Power (DWP) right-of-way divides the site diagonally. In total, approximately 178.33 acres (71 percent) of the project site would be converted to a developed condition (p. V.D-41).

The majority of the site is designated by the City of Santa Clarita General Plan and by the zoning code as Residential Very Low (RVL), with the remainder (3.7 acres) being designated as Industrial Commercial (IC; p. III-11). Approximately 17 acres are situated within the Santa Clara River (p. III-15), which is SEA 23. The project consists of a General Plan Amendment and zone change to change the land use designation (and zoning) to Residential Suburban (RS) and Residential Medium High (RMH). Of the area currently zoned and designated under the General Plan as IC, 0.5 acre would remain as IC. The project also includes a Vesting Tentative Tract Map, Conditional Use Permit, Hillside Plan Review, and Oak Tree Permit (pp. IV-20 to IV-21).

Need for Project Modifications and Project Alternatives

With respect to the proposed development, the Conservancy recommends incorporating the following changes into the project:

- 1) avoid all impacts to the 100-foot-buffer area adjacent to the Santa Clara River SEA;
- 2) avoid all development on the property northwest of the DWP easement and delete connecting roads through the DWP easement (as shown on Alternatives B and C);
- 3) incorporate a permanent 100-foot-wide wildlife movement area adjacent to the western property boundary from the DWP easement south to the Santa Clara River (requires a 100 foot reduction in the school/YMCA site);
- 4) incorporate a wildlife undercrossing (minimum 10 foot by 10 foot opening) under the new proposed Golden Valley Road on the west side of the project; and
- 5) require open space fee title dedications and conservation easements over remaining open space onsite.

The Final Environmental Impact Report (FEIR) must include a modified Alternative C, incorporating the above recommendations. (Alternative C in the DEIR proposes to avoid development on property northwest of the DWP easement, and to delete the two roads through the DWP easement, described in Recommendation # 2, above.) If the City chooses to approve a development on the site, the Conservancy recommends that the City approve this Alternative C. The Conservancy also supports a modified Alternative B (the 78-unit Current General Plan Land Use and Zoning Alternative), provided that it incorporates the additional recommendations 4 and 5, above.

Recommendation #1-Avoid 100-foot Santa Clara River Buffer: With respect to providing a buffer for the Santa Clara River, it is important to note that 200-foot buffers are more appropriate to protect the biological values and functions of the river. The developments along the Santa Clara River show that there has been an ongoing disregard for providing natural buffers to river. If the City implements only a 100-foot-buffer, at the very least, the FEIR mitigation measures and conditions of approval should require that no development, including grading, temporary placement of construction materials, vegetation removal including fuel modification, etc., be allowed within the 100-foot-buffer.

According to the DEIR, “temporary” project grading would be allowed within 100-foot-buffer area adjacent to Santa Clara River Riparian Area (p. II-37). This is clearly encroachment into the “buffer.” The DEIR is deficient for not providing specific

information regarding the “temporary” grading. The DEIR does not define what “temporary” grading is and how this differs from permanent grading. Specifically, the DEIR does not define whether the impacts would be permanent, or if the original topography would be restored. The DEIR is also deficient by not providing information on how long the “temporary” grading would occur, and what is the square footage of grading that would occur in this 100-foot-buffer. This information must be included in the FEIR. Also, the FEIR must show a zoomed-in figure of the southern project area, with a scale, clearly depicting the SEA boundary and Santa Clara River floodplain, the 100-foot buffer area, and the limits of grading. (Figure IV-2A is difficult to discern, but appears to show that the grading would occur adjacent to the floodplain boundary.)

Recommendation #2-Avoid development northwest of DWP easement: The Conservancy concurs with the part of the proposal in Alternative C to delete any development northwest of the DWP easement, including the two street connections through the DWP easement. This change would avoid impacts to the northern secondary ridgeline and would substantially reduce biological impacts (to critical habitat for the coastal California gnatcatcher, to sensitive plant communities, and to drainages), as well as reduce cumulative water quality impacts, by retaining a large block of contiguous, unfragmented open space.

Recommendation #3-Provide 100-foot-wide wildlife movement area south of DWP easement: While information regarding planned and current developments in the vicinity is essential to understanding the biological value of the site, the DEIR did poor job of describing habitat connections to the north. The DEIR failed to recognize the importance of maintaining habitat areas adjacent to the river, and maintaining habitat connections from the river, northward, to Angeles National Forest and other small habitat blocks. Specifically, despite the current and planned development in the vicinity, the DWP corridor must be the focus of a preserved wildlife movement area to the north. The project should not completely cut-off this habitat connection to the north. Instead, the project should provide a stand-alone 100-foot-wide contiguous habitat corridor from the DWP corridor along the western boundary through the site, to the Santa Clara River. This must be provided on the project site because there is no guarantee that any other properties in the vicinity will provide the open space onsite to maintain this connection from the river northward. Also, there may be operational requirements within the DWP easement that may conflict with protection of a wildlife movement area.

Providing the described 100-foot-wide wildlife movement area south of the DWP easement would involve moving the school/YMCA site eastward a minimum of 100 feet unless the applicant could guarantee securing one 100-foot-wide easement area offsite between the

Golden Valley Road extension and the YMCA site. This would substantially reduce the impacts to known locations of several special status species, to critical habitat for the coastal California gnatcatcher, to sensitive plant communities, and to drainages, and would reduce cumulative water quality impacts.

Recommendation #4-Install wildlife crossing at Golden Valley Road extension: It is critical for the City to require a wildlife crossing (minimum 10 feet by 10 feet) under the proposed Golden Valley Road in the FEIR mitigation measures and conditions of approval. This undercrossing should be located at the western edge of the project, within the needed 100-foot-wildlife movement area south of the DWP easement, described under Recommendation #3, above. This project would result in not only direct loss of habitat, but would fragment the remaining habitat via the construction of multiple roads, including Golden Valley Road. One of the principal factors contributing to habitat fragmentation has been the construction of roads (Meffe et al. 1997). Roads can create barriers for animals attempting to move between patches, increase mortality (e.g., by collisions with vehicles), and can create deleterious edge effects. The DEIR is deficient for not addressing the impacts associated with increased road kill (of mammals such as coyotes and deer, reptiles such as snakes, and birds).

Recommendation #5: Assure Long-Term Open Space Protection: Mitigation Measure D-16 states that prohibitions against human, domestic animal, and motorized vehicle use in preserved natural open space areas shall be established by covenants conditions and restrictions (CC&Rs) (p. II-41). The DEIR further states that the Santa Clara River wash will be preserved as Natural Open Space (p. II-28). This DEIR language is inadequate to ensure that the open space areas onsite will be protected in perpetuity for the protection of the natural resources. The FEIR mitigation measures and conditions of approval must require a fee title dedication and overlapping conservation easements, with long-term management funding. Such funding can only be adequately secured through a Community Facilities District (CFD).

The mitigation measures for the proposed project *and all alternatives* in the FEIR must include a requirement for a fee simple dedication of the portion of the project site encompassing the Santa Clara River area and accompanying 100-foot-buffer. The requirement should specify that this dedication is to be granted to an appropriate public entity capable of managing open space for resource protection and recreational use, such as the City. If the City declines, the Mountains Recreation and Conservation Authority (MRCA) would accept such interest in the land to guarantee that the biological resources in the dedication areas are not adversely affected in the future. Also, any additional large

blocks of open space onsite such as on the property northwest of the DWP easement, and any additional avoidance areas (i.e., the recommended 100-foot-wide wildlife movement area south of the DWP easement) should also be dedicated in fee to such agency. No fuel modification should be allowed in these areas.

Any remaining smaller pieces of open space remaining onsite should be required to be protected via conservation easements to the City and to an agency such as the MRCA at no public cost. The easements must prohibit development, structures, new roads, grading, mineral extraction, grazing, vineyards, planting of non-native vegetation, fencing (other than used for habitat restoration), and utilities (other than what is allowed under current utility easements). Uses that should be allowed in this conservation easement include trails and habitat restoration.

The DEIR should incorporate a Community Facilities District or Landscape Maintenance District, or a sufficient endowment fund from the developer (e.g., in the form of a non-wasting endowment), in the mitigation measures and conditions of approval to fund maintenance of the open space for the life of the project. Open space dedications are a form of mitigation. For such mitigation to stand the test of time, it must be protected and in some cases actively managed. A complete open space mitigation package must include maintenance funding. The proposed project and every CEQA alternative must require that the funding mechanism be established prior to grading or vegetation removal.

Need for Specificity Regarding Mitigation Measures for Impacts to Biological Resources

The mitigation proposed in the DEIR for impacts to native plant communities and jurisdictional drainages is deficient because it does not provide the necessary specificity to provide reasonable assurance that the mitigation will offset the significant adverse impacts to these native plant communities. Most importantly, there is no identification of locations for mitigation areas, and timing of mitigation. The applicant may find himself limited with respect to mitigation areas, and the project should not be approved without assurances that the conceptual mitigation idea (as the DEIR proposes) is actually feasible, and that it will be implemented in a timely manner. The Conservancy concurs in concept with the idea of mitigating the loss of native plant communities and habitats by restoration or acquisition, as long as adequate avoidance has been achieved, which in this case, it has not been. We provided recommendations earlier in this letter regarding appropriate areas to avoid.

Anticipated impacts include those to coastal sage scrub (86 acres), chaparral (57.85 acres) (both considered critical habitat for the gnatcatcher), and jurisdictional drainages (2.44 acres of southern cottonwood-willow riparian habitat, 4.26 acres of California Department

of Fish and Game (CDFG) jurisdictional streambeds, and 1.22 acres of waters of the United States [as considered by the U.S. Army Corps of Engineers]) (p. II-26, p. II-27, p. V.D-61, pp. II-36 to II-37). “Receiving approval of a mitigation and monitoring plan by CDFG” is not specific enough, and is not adequate mitigation. This specificity is clearly warranted in the CEQA document, as well as in the mitigation monitoring program. Relying on defining these specifics in permits to be obtained later, is insufficient mitigation in a CEQA document.

Most importantly, the mitigation measures in the FEIR must provide specifics regarding the *locations* of the restoration and/or acquisition areas. Timing of the mitigation should also be specified in the FEIR to ensure that the properties are protected and that any acquisition or restoration has demonstrably progressed prior to issuance of a grading permit, or within six months for restoration (to optimize planting of vegetation according to the season). The FEIR should specify a mitigation ratio of at least 2:1 for coastal sage scrub impacts and impacts to drainages. The FEIR mitigation measures should require that impacts associated with fuel modification areas are also mitigated by restoration or purchase of land at at least a 1:1 ratio.

It is also critical that the FEIR mitigation measures specify that any restoration/mitigation areas are permanently preserved by recordation of conservation easement(s) to the City and to an appropriate conservation entity (e.g., MRCA) (if they are not already to be protected via fee title dedications to an agency such as MRCA).

Other Comments

The FEIR should identify the loss of loss of 10.81 acres of non-native grassland, which includes 1.03 acres for fuel modification, of the approximately 18.42 acres onsite (p. II-27) as a significant adverse impact due to the loss of foraging habitat for raptors. The FEIR must also specify how much habitat (non-native grassland, or other habitat) would be lost due to restoration of other habitat types onsite.

The analysis of impacts in the FEIR (including to vegetation communities as shown on Figure V.D-1 Vegetation Communities) must incorporate the full extent of impacts (including grading associated with the offsite roads) as shown on the Illustrative Site Plan (Figure IV-3).

In summary, the Conservancy recommends the five previously described changes to the project, as well as additional specificity regarding mitigation for impacts to vegetation communities. The Conservancy recommends that the City take a leadership role in

City of Santa Clarita
Keystone Project DEIR
August 22, 2005
Page 8

protecting the valuable biological resources onsite and within the City by making habitat avoidance the primary public planning objective with key Master Plan road segments. Thank you for your consideration of these comments. Please direct any questions and all future correspondence to Judi Tamasi of our staff at the above address and by phone at (310) 589-3200, ext. 121.

Sincerely,

JONATHAN M. ZASLOFF
Acting Chairperson

cc: State Clearinghouse (Scott Morgan)
California Department of Fish and Game (Betty Courtney)